



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/731,611	12/09/2003	Neil K. McCoy	DP-310505	4735

22851 7590 06/13/2005  
DELPHI TECHNOLOGIES, INC.  
M/C 480-410-202  
PO BOX 5052  
TROY, MI 48007

EXAMINER
----------

BINDA, GREGORY JOHN

ART UNIT	PAPER NUMBER
----------	--------------

3679

DATE MAILED: 06/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/731,611

**Applicant(s)**

MCCOY ET AL.

**Examiner**

Greg Binda

**Art Unit**

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2005 and 13 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-5 and 7-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9 is/are allowed.
- 6) ☒ Claim(s) 1,3-5 and 7 is/are rejected.
- 7) ☒ Claim(s) 8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4/20/05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

Art Unit: 3679

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. The indicated allowability of claims 4, 5 & 7 is withdrawn in view of the newly discovered references. Rejections based on the newly cited references follow.

*Specification*

3. The disclosure is objected to because in paragraph 0016 (as amended May 13, 2005), line 3, the phrase "the cam 26 are" should be changed to "the cams 26 are".

*Claim Objections*

4. Claim 3-5, 7 & 8 are objected to because each depends from a cancelled claim.

*Claim Rejections - 35 USC § 102*

5. Claims 1 & 3 are rejected under 35 U.S.C. 102(b) as being anticipated by Montgrand, US 1,865,559. Figs. 2 & 3 show a transmission and torque limiting assembly comprising: a driven member 1 for rotation by a drive about an axis; a drive member 6, 7 disposed about and coaxial with the driven member; and a mechanism for transmitting rotation from the drive member to the driven member and for disengaging the drive member from the driven member in response to a predetermined reactive force between the members. Figs. 2 & 3 show the mechanism comprises: posts 2 axially extending from the drive member; spring arms 8 extending resiliently and spirally

Art Unit: 3679

from the driven member; and cams 4 pivotally attached to distal ends thereof for engaging the posts for transmitting rotation to the driven member from the drive member.

6. Claim 1, 3, 4, 5 & 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Orwin, US 3,203,524.

a. Claim 1. Figs. 1-5 show a transmission and torque limiting assembly 20 comprising: a driven member 21, 22 for rotation by a drive about an axis 19; a drive member 23 disposed about and coaxial with the driven member; and a mechanism for transmitting rotation 29 (see Fig. 2) from the drive member to the driven member and for disengaging (see Fig. 5) the drive member from the driven member in response to a predetermined reactive force (see also col. 6, lines 4-8) between the members. Figs. 1-5 show the mechanism comprises: posts 33 axially extending (see also "each cylindrical bar 3 extends parallel to the axis of rotation" in col. 4, lines 26 & 27) from the drive member; spring arms 42 extending resiliently and spirally from the driven member 21, 22; and cams 26 pivotally attached to distal ends thereof for engaging the posts 33 for transmitting rotation to the driven member from the drive member.

b. Claim 3. Fig. 2a shows the transmission and torque limiting assembly includes a pivot 44, 45 pivotally connecting one of the cams 26 to each of the distal ends.

c. Claim 4. Figs. 1-5 show the transmission and torque limiting assembly includes a stop pin 46 carried by each of the cams 26 for reacting with the adjacent distal end to limit pivotal movement (see also col. 5, lines 17 & 18) to maintain each cam in a locked position for permitting transmission of rotation.

Art Unit: 3679

- d. Claim 5. Figs. 1-5 show each cam 26 includes a recess (see "recess" in col. 3, line 73) for receiving (via the roller 36) a selected one of the posts 33.
  - e. Claim 7. Figs. 1 & 3 show the drive member 23 is a pulley with a planar face, the posts 33 extending axially from the planar face.
7. Claims 1, 3 & 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Richards, US 2,444,530. Fig. 7 shows a show a transmission and torque limiting assembly 20 comprising all the limitations of the claims.

*Allowable Subject Matter*

8. Claim 8 would be allowable if rewritten to overcome the objection set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.
9. Claim 9 is allowed.

*Conclusion*

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Binda whose telephone number is (571) 272-7077. The examiner can normally be reached on M-F 9:30 am to 7:00 pm with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3679

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Greg Binda  
Primary Examiner  
Art Unit 3679